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Association of REALTORS®, Amador County
Association of REALTORS®, Sutter-Yuba
Association of REALTORS®, Inc., Guide Real
Estate, Inc., Nevada County Association of
REALTORS® and Placer County Association of
REALTORS®*

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

Willsim Latham, LLC, Individually and on Behalf of
All Others Similarly Situated,

Plaintiff,

v.

MetroList Services, Inc.; Sacramento Association of
Realtors, Inc.; Placer County Association of
Realtors, Inc.; El Dorado County Association of
Realtors; Lodi Association of Realtors; Yolo County
Association of Realtors; Central Valley Association
of Realtors; Amador County Association of
Realtors; Nevada County Association of Realtors,
Inc.; Sutter-Yuba Association of Realtors, Inc.;
RE/MAX Holdings, Inc.; Anywhere Real Estate
Inc.; Keller Williams Realty, Inc.; eXp World
Holdings, Inc.; Norcal Gold Inc.; Century 21 Select
Real Estate, Inc.; William L. Lyon & Associates,
Inc.; Paul M. Zagaris, Inc.; Guide Real Estate, Inc.;
and DOES 1 through 50, inclusive,

Defendants.

Case No. 2:24-cv-00244-KJM-DB

**STIPULATION AND ORDER
EXTENDING DEADLINE TO
RESPOND TO COMPLAINT**

Judge: Kimberly J. Mueller
Courtroom: 3, 15th Floor
Action Filed: January 18, 2024

Plaintiff Willsim Latham, LLC (“Plaintiff”) and Defendants MetroList Services, Inc.; Sacramento Association of Realtors, Inc.; Placer County Association of Realtors, Inc.; El Dorado County Association of Realtors; Lodi Association of Realtors; Yolo County Association of Realtors; Central Valley Association of Realtors; Amador County Association of Realtors; Nevada County Association of Realtors, Inc.; Sutter-Yuba Association of Realtors, Inc.; eXp World Holdings, Inc.; and Guide Real Estate, Inc., (collectively, the “Undersigned Defendants”)¹ (collectively “the parties”), pursuant to Local Rules 143 and 144, stipulate as follows:

RECITALS

WHEREAS, Plaintiff initiated this case on January 18, 2024 (ECF No. 1) (the “Lawsuit”);

WHEREAS, all Defendants have been served with the Complaint (ECF Nos. 8-23, 27, 28, 33);

WHEREAS, the parties previously agreed to extend all Defendants’ deadline to respond to the Complaint until March 5, 2024;

WHEREAS, on December 27, 2023, pursuant to 28 U.S.C. § 1407, plaintiffs in two actions pending before Judge Stephen R. Bough in the U.S. District Court for the Western District of Missouri, filed a motion with the Judicial Panel on Multidistrict Litigation (“JPML”) to transfer and consolidate certain actions that the movants allege assert similar claims related to real estate commissions. *See In re Real Estate Commission Antitrust Litig.*, MDL No. 3100 (ECF No. 1) (the “MDL Motion”).

WHEREAS, a Notice of Related Action was filed with the JPML for this Lawsuit on January 23, 2024. *See In re Real Estate Commission Antitrust Litig.*, MDL No. 3100 (ECF No. 204);

WHEREAS, on February 5, 2024, the Clerk of the JPML Panel issued a minute order

¹ This proposed schedule applies does not apply to defendants RE/MAX Holdings, Inc., Anywhere Real Estate Inc., or Keller Williams Realty, Inc., for whom the Court entered an order staying the case pending final approval of the nationwide settlements. *See* ECF No. 48. Plaintiff will file a similar unopposed motion to stay the case as to Norcal Gold Inc. and Century 21 Select Real Estate, Inc., which are franchisees of Keller Williams Realty, Inc. and Anywhere Real Estate, Inc., respectively, and, as such, are part of the nationwide settlements.

1 closing briefing on the MDL Motion. *See In re Real Estate Commission Antitrust Litig.*, MDL No.
2 3100 (ECF No. 352);

3 **WHEREAS**, a hearing has been scheduled on the MDL Motion on March 28, 2024. *See In*
4 *re Real Estate Commission Antitrust Litig.*, MDL No. 3100 (ECF No. 394);

5 **WHEREAS**, no deadlines have been issued by this Court, and the Initial Scheduling
6 Conference has been scheduled for July 11, 2024 (ECF No. 38);

7 **WHEREAS**, on February 23, 2024, the parties met and conferred regarding an extension
8 to respond to the Complaint given the pending MDL Motion; and

9 **WHEREAS**, the parties negotiated the following stipulation on case deadlines.

10 **STIPULATION**

11 **NOW, THEREFORE**, in an effort to conserve party and judicial resources while the
12 MDL Motion is pending, the parties stipulate as follows:

- 13 1. In the event that the JPML issues an order that does not transfer the Lawsuit, all
14 Defendants, other than those referenced in footnote 1 above, shall have fourteen (14)
15 days from the date of that Order to respond to the Complaint.
- 16 2. In the event that the JPML issues an order transferring the Lawsuit, the parties shall
17 inform this Court and follow the instructions of the transferee court.

18 DATED: March 6, 2024

BARTKO LLP

19 By: /s/ Patrick M. Ryan
20 Patrick M. Ryan

21
22 Attorneys for MetroList Services, Inc.,
23 Sacramento Association of REALTORS®, Inc., El
24 Dorado County Association of REALTORS®,
25 Yolo County Association of REALTORS®,
26 Central Valley Association of REALTORS®,
27 Amador County Association of REALTORS®,
28 Sutter-Yuba Association of REALTORS®, Inc.,
Guide Real Estate, Inc., Nevada County
Association of REALTORS® and Placer County
Association of REALTORS®

1 DATED: March 6, 2024

SAUL EWING LLP

2
3 By: /s/ Jason W. McElroy
Jason W. McElroy

4 Attorneys for eXp World Holdings, Inc.

5
6 DATED: March 6, 2024

MUNGER, TOLLES & OLSON LLP

7
8 By: /s/ Justin P. Raphael
Justin P. Raphael
9 Rebecca L. Sciarrino

10 Attorneys for the Lodi Association of Realtors

11
12 DATED: March 6, 2024

LAGASSE BRANCH BELL & KINKEAD

13
14 By: /s/ Traci S. Lagasse
Traci S. Lagasse
15 Jeffrey V. Ta

16 Attorneys for the Lodi Association of Realtors

17 DATED: March 6, 2024

PEARSON WARSHAW, LLP

18
19 By: /s/ Jill M. Manning
Jill M. Manning

20 Attorneys for Plaintiff Willsim Latham, LLC

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22
23
24 **ATTESTATION OF ELECTRONIC SIGNATURE**

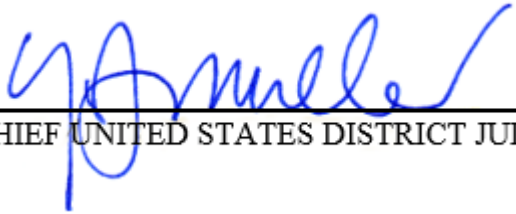
25 I, Patrick M. Ryan attest that the concurrence in the filing of this document has been
26 obtained from each of the other signatories. Executed on March 6, 2024.

27 /s/ Patrick M. Ryan
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ORDER

Pursuant to Stipulation, IT IS SO ORDERED.

DATED: March 11, 2024.


CHIEF UNITED STATES DISTRICT JUDGE

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